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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,548	03/30/2001	Matthew D. Wood	42390P10451	7654

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EXAMINER	
PYZOCHA, MICHAEL J	
ART UNIT	PAPER NUMBER
2137	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/822,548	WOOD ET AL.	
	Examiner	Art Unit	
	MICHAEL PYZOCHA	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 January 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-9,17-19,25-27,29 and 30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-9,17-19,25-27,29 and 30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/17/07*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-3, 5-9, 17-19, 25-27, and 29-30 are pending.

2. Amendment filed 01/09/2008 has been received and considered.

Claim Rejections - 35 USC § 112

The rejection under the first paragraph of 35 U.S.C. 112 has been withdrawn based on the filed amendment.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-3, 5-9, 17-19, 25-27, and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matyas, Jr. et al (US 6687375), in view of Dole (US 6628786), in view of Hardy et al (US 6073242), in view of Menezes et al (Handbook of Applied Cryptography) and further in view of Bening et al. (US 6061819).

As per claims 1, 17 and 25, Matyas Jr. et al discloses initializing a pseudo-random number generator (PRNG); obtaining local seeding information from a host; obtaining additional seeding information from one or more sources; and mixing the PRNG with the local seeding information and the additional seeding information (see column 9 lines 19-34 and 45-67) to perform one or more of providing an unpredictable system status, amplifying entropy, and enhancing system security (see column 9 lines 45-67).

Matyas Jr. et al fails to explicitly disclose securely obtaining additional seeding information from remote entropy servers that interact using random numbers generated from random state machines for use in securely initializing a pseudorandom number generator for continuous randomness.

However, Dole teaches obtaining additional seeding information from remote entropy servers that interact using random numbers generated from random state machines for use in securely initializing a pseudorandom number generator for continuous randomness (see column 4 lines 15-27 and 45-60 and column 2 lines 55-57).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to obtain the additional

seeding information of Matyas Jr. et al from the servers of Dole.

Motivation to do so would have been to provide a quality source of entropy (see Dole column 4 lines 45-49).

The modified Matyas Jr. et al and Dole system fails to disclose the communication between host and server being secure.

However, Hardy et al teaches secure communications (see column 3 lines 54-67).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Hardy et al's method of secure communications in the modified system of Matyas Jr. et al and Dole system.

Motivation to do so would have been to provide confidentiality, authentication and integrity to the communications (see column 3 lines 54-67).

The modified Matyas Jr. et al, Dole, and Hardy et al system fails to disclose the specific method of securely obtaining the keys, data and obtaining seeding information from each location.

However, Menezes et al teaches the key exchanging (see section 12.5.1), the use of temporary keys (see page 494), the use of a public key encryption scheme (see section 1.8.1) and obtaining a large amount of seeding information (see pages 170-171).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the methods of Menezes et al to securely obtain the seeding information of the modified Matyas Jr. et al, Dole, and Hardy et al system and for the obtaining to be repeated.

Motivation to do so would have been to transport the key (see section 12.5.1), to limit the available ciphertext (see page 494), only the private key must be kept secret (see section 1.8.4) and seeds should be sufficiently large so that a search of all seeds in infeasible (see page 171).

The modified Matyas Jr. et al, Dole, Hardy et al, and Menezes et al system fails to explicitly disclose providing an unpredictable system status to amplify entropy based on seeding information.

However, Bening et al. teaches such a system status (see column 3 lines 37-51).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the seeding information of the modified Matyas Jr. et al, Dole, Hardy et al, and Menezes et al system to provide an unpredictable system status.

Motivation to do so would have been to eliminate any correlation between values (see Bening et al. column 3 lines 37-51).

As per claims 2-3 and 26-27, the modified Matyas Jr. et al, Dole, Hardy et al, Menezes et al and Bening et al. system discloses the initializing the PRNG comprises initializing the internal state of the PRNG with a random value that is a seed (see Matyas Jr. et al column 9 lines 19-34).

As per claims 5 and 29, the modified Matyas Jr. et al, Dole, Hardy et al, Menezes et al and Bening et al. system discloses remote entropy servers maintain random state pool to supply the host with the random value (see Matyas Jr. et al column 9 lines 45-67).

As per claim 6-8, the modified Matyas Jr. et al, Dole, Hardy et al, Menezes et al and Bening et al. system discloses the obtaining of the remote seeding information from the remote entropy servers is performed via a privacy protocol, wherein the privacy protocol comprises secure sockets layer (SSL) protocol and transport layer security (TLS) protocol (see Hardy et al column 3 lines 54-67).

As per claims 9 and 30, the modified Matyas Jr. et al, Dole, Hardy et al, Menezes et al and Bening et al. system discloses the stirring the PRNG comprises producing a

cryptographically random stream of bits (see Matyas Jr. et al column 9 lines 45-67).

As per claim 18, the modified Matyas Jr. et al, Dole, Hardy et al, Menezes et al and Bening et al. system discloses the local system generates local seeding information (see Matyas Jr. et al column 9 lines 45-67).

As per claim 19, the modified Matyas Jr. et al, Dole, Hardy et al, Menezes et al and Bening et al. system discloses the remote computer systems are to generate the remote seeding information via the remote entropy servers (see Dole column 4 lines 15-27 and 45-60).

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or

provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 6, 9, 17, 25, and 30 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 5, 7, 8, and 22 of copending Application No. 11/013572 in view of Menezes et al. The copending claims teach each limitation of the present claim but fail to teach repeating the securely obtaining of the remote seeding information for each entropy server. Menezes et al. teaches obtaining a large amount of seeding information (see pages 170-171). At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the methods of Menezes et al. to repeat securely obtain the seeding information of the copending claims. Motivation to do so would have been that seeds should be sufficiently large so that a search of all seeds in infeasible (see page 171).

This is a provisional obviousness-type double patenting rejection.

Claims 2, 3, 5, 18, 26, 27, and 29 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 5, 7, 8, and 22

of copending Application No. 11/013572, as modified by Menezes above, in view of Matyas.

As per claims 2-3 and 26-27, the copending claims in view of Menezes fails to disclose the initializing the PRNG comprises initializing the internal state of the PRNG with a random value that is a seed However, Matyas teaches these limitations (see Matyas Jr. et al column 9 lines 19-34). At the time of the invention it would have been obvious to modify the claim of the copending application to include these limitations. Motivation to do so would have been to increase the security.

As per claims 5 and 29, the modified copending claims in view of Menezes and Matyas disclose remote entropy servers maintain random state pool to supply the host with the random value (see Matyas Jr. et al column 9 lines 45-67).

As per claim 18, the modified copending claims in view of Menezes and Matyas disclose the local system generates local seeding information (see Matyas Jr. et al column 9 lines 45-67).

This is a provisional obviousness-type double patenting rejection.

6. Claims 7 and 8 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 5, 7, 8, and 22 of copending

Application No. 11/013572, as modified by Menezes above, in view of Hardy.

As per claim 7 and 8, the copending claims in view of Menezes fails to disclose the obtaining of the remote seeding information from the remote entropy servers is performed via a privacy protocol, wherein the privacy protocol comprises secure sockets layer (SSL) protocol and transport layer security (TLS) protocol. However, Hardy teaches these limitations (see Hardy et al column 3 lines 54-67). At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Hardy et al's method of secure communications in the copending claims in view of Menezes. Motivation to do so would have been to provide confidentiality, authentication, and integrity to the communications (see column 3 lines 54-67)

This is a provisional obviousness-type double patenting rejection.

NOTE: The double patenting rejections are necessitated by the amendments filed, on 12/18/2007, to the claims of application 11/013572. The double patenting rejection of a divisional application based on a restriction is proper because the claims of the application are not consonant with the restriction requirement as the claims of 11/013572 now incorporate the

limitations of present claims which were identified as two different inventions. See MPEP section 804.01(A).

Response to Arguments

7. Applicant's arguments filed 01/09/2008 have been fully considered but they are not persuasive. Applicant argues that neither Chen nor any of the cited references teach obtaining seeding information from a remote entropy server and that the combined references do not teach the limitations claim 1.

With respect to Applicant's argument that neither Chen nor any of the cited references teach obtaining seeding information from a remote entropy server, Chen is no longer relied upon in the rejection. Dole teaches obtaining additional seeding information from remote entropy servers that interact using random numbers generated from random state machines for use in securely initializing a pseudorandom number generator for continuous randomness (see column 4 lines 15-27 and 45-60 and column 2 lines 55-57). Therefore, the combination teaches obtaining seeding information from a remote entropy server.

With respect to Applicant's argument that the combined references do not teach the limitations claim 1, this argument fails to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention

without specifically pointing out how the language of the claims patentably distinguishes them from the references. Each of the limitations are put forth as being taught by a certain reference and reasons for a combination. Therefore, the combination teaches all of the limitations of claim 1, and similarly in claims 17 and 25.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL PYZOCHA whose telephone number is (571)272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP

/Emmanuel L. Moise/
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